THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.10884 of 2006

Dated:22.06.2006

Between:

Sri Devagiri Akki Reddy.

…Petitioners

and

The Mandal Revenue Officer, Sathupalli Mandal, Khammam District, and another.

…Respondents

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ORDER:

The petitioner is a resident of Gourigudem in Siddaram Village, Sathupalli Mandal, Khammam District. About 55 poor persons were assigned the agricultural land admeasuring Acs.2.00 each in Survey No.24 of Siddaram Village from out of a total extent of Acs.64.00 in the said field number. The Mandal Revenue Officer initiated action under the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'), and passed orders under Section 4 of the Act vide proceedings in Rc.No.B/535/24/2005, dated 20.05.2006. In the said order the Mandal Revenue Officer, the first respondent herein, came to the conclusion that the petitioner purchased the assigned land in contravention of the provisions of the Act and the rules made there under, and a notice dated 09.01.2006 was issued to the petitioner, which was served on 07.03.2006. The petitioner submitted his explanation and thereafter orders were passed resuming the land to the Government for contravention of the provisions of the Act. The petitioner filed the present writ petition alleging that he himself is a small farmer, and therefore, the provisions of the Act have no application, that his mother-in-law purchased the said land and gifted the same to his wife and daughter and thus he came into possession, and that the land in question is not the assigned land. These submissions are refuted by the learned Assistant Government Pleader for Revenue (General).

Any contravention of Section 3(2) of the Act by way of a sale, gift or mortgage of assigned land attracts Section 4 of the Act. In this case, on an allegation that the land assigned to poor persons was purchased by the petitioner, the first respondent passed the impugned order resuming the land to the Government. Against any order that is passed under Section 4 of the Act, an appeal would lie under Section 4-A(a) of the Act to the jurisdictional Revenue Divisional Officer. This is an effective alternative remedy. The petitioner ought to have availed

the remedy, especially, when he disputes the nature of the land and claims that he himself is a landless poor person. As appeal is not filed, this Court is not inclined to admit the writ petition.

Liberty is given to the petitioner to approach the Revenue Divisional Officer, Khammam, and file and appeal within a period of one week from the date of receipt of a copy of this order. As and when such appeal is filed, the appellate authority shall entertain the same and pass appropriate orders within a period of four weeks thereafter after considering all the documents that may be placed by the petitioner in proof of his claim that he is a landless poor person.

The Writ Petition, with the above observations and directions, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

22.06.2006
vs